

**REMARKS**

Claims 1 through 20 remain in this application. Claims 1, 10, 14, 15, 16, 17, 18 and 20 have been amended.

**Claim Rejections under 35 U.S.C. 103**

The Office Action rejected claims 1-2 and 7-20 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 7,269,657 to Alexander et al. (“Alexander reference”) in view of U.S. Patent Publication Application 2005/0005202 to Burt et al. (“Burt reference”). However, there are clear errors in the rejection in that neither the Alexander reference nor the Burt reference, either alone or in combination, disclose or suggest the requirements of the claims.

**Independent Claim 1 and dependent claims 2 through 19**

Independent claim 1 states, “at least one monitoring circuit coupled to the network, wherein the at least one monitoring circuit is operable to examine packets communicated to the router and to provide network information associated with selected ones of the examined packets; circuitry for processing the provided network information; circuitry for including the processed network information into one or more packets; and circuitry for transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The specification describes a problem in paragraph 6 that, “access to the various router-reported network information is limited to the management system.” As stated in the specification at paragraph 27, “From the above illustrations and description, one skilled in the art should appreciate that the preferred embodiments provide a dynamic system for communicating network monitoring information to destination EUDs outside of a management system.”

The Office Action has failed to provide a *prima facie* case of obviousness for independent claim 1 because it has not shown that the cited references disclose or suggest the elements, *inter alia*, of claim 1 of, “circuitry for including the processed network information into one or more packets; and circuitry for transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The Office Action admits in paragraph 4, page 3 that the Alexander reference “does

not explicitly disclose: wherein the at least one node is outside of the management system.” In fact, the Alexander reference teaches away from the present invention by only disclosing the problem stated in this specification that, “access to the various router-reported network information is limited to the management system.” As described at column 5, lines 39-40 and column 11, lines 61-62, the Alexander reference only teaches transmitting processed information in one or more packets to a manager of the network domain.

The Burt reference fails to add to the Alexander reference to teach or suggest the elements, *inter alia*, of claim 1 of, “circuitry for including the processed network information into one or more packets; and circuitry for transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The Office Action states on page 4 that the Burt reference “teaches the agent sending notification to actual users and customers outside of management,” and cites paragraph 22-24 and 27 of the Burt reference. However, the Burt reference merely describes a network management software as the agent. As stated in paragraphs 27-9 of the Burt reference:

“[0027] Agent 148 is preferably a module. As used herein, the term “module” refers to computer program logic, whether incorporated into any hardware, software, or firmware to provide the functionality attributed to the module. In one embodiment, agent 148 runs as a Windows service (e.g., Web-Based Enterprise Management, Windows Management Instrumentation) on customer system 10. Functional modules within agent 148 are described below in reference to FIG. 2. [0028] In one embodiment, a customer uses console 160 to communicate with agent 148. Console 160 preferably includes a display for displaying notifications received from agent 148. Console 160 also includes an input device for providing data input. In one embodiment, console 160 is a computer system executing a user interface module for interfacing with agent 148. In one embodiment, the user interface module provides a graphical user interface (GUI) for accessing agent 148. In another embodiment, the user interface module is web browsing software operating as a client that accesses agent 148 via communication link 154. The user interface may be command line based or graphical. The user interface module preferably makes application program interface (API) calls to agent 148 to request

counters for display. This allows customers to view counters using console 160. The customer also receives notifications from agent 148 on customer system performance when counters exceed thresholds specified by the customer. These notifications are received on console 160 as asynchronous alerts that may be visible, audible, and/or tactile. Console 160 may be a pager, a telephone, a personal digital assistant (PDA), etc, in various embodiments. [0029] The proactive notification system in one embodiment includes a user interface connected to a user of the healthcare information system. In another embodiment, the proactive notification system includes a second user interface connected to a customer support system of the healthcare information system. The user interfaces are capable of displaying the information about the counters and thresholds and their relationships.”

As described above, the Burt reference only describes an element/network manager agent 148 in the health care information system that notifies a designated representative responsible for operation of the network or health care information system.

Furthermore, the combination of the Alexander reference and the Burt reference fails to teach or suggest the elements, *inter alia*, of claim 1 of, “circuitry for including the processed network information into one or more packets; and circuitry for transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The combination of the Alexander reference and the Burt reference would at most teach that the QoS managers in the Alexander reference would provide notifications to representatives responsible for the domains.

Accordingly, the combined teachings of Alexander reference and the Burt reference fail to teach or suggest the requirements of claim 1. As a dependent claims to claim 1, claims 2 through 19 add further patentable matter to claim 1 and thus are further differentiated and patentable under 35 U.S.C. §103 over the Alexander reference in view of the Burt reference.

#### Independent Claim 20

Independent claim 20 states, “operating a monitoring circuit to examine packets communicated to the router and to provide network information associated with selected ones of the examined packets; processing the provided network information; including the processed

network information into of one or more packets; and transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.”

The Office Action has failed to provide a *prima facie* case of obviousness for independent claim 20 because it has not shown that the cited references disclose or suggest the elements, *inter alia*, of claim 20 of, “including the processed network information into of one or more packets; and transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The Office Action admits in paragraph 4, page 3 that the Alexander reference “does not explicitly disclose: wherein the at least one node is outside of the management system.” In fact, the Alexander reference teaches away from the present invention by only disclosing the problem stated in this specification that, “access to the various router-reported network information is limited to the management system.” As described at column 5, lines 39-40 and column 11, lines 61-62, the Alexander reference only teaches transmitting processed information in one or more packets to a manager of the network domain.

The Burt reference fails to add to the Alexander reference to teach or suggest the elements of claim 20. The Office Action states on page 4 that the Burt reference “teaches the agent sending notification to actual users and customers outside of management,” and cites paragraph 22-24 and 27 of the Burt reference. However, the Burt reference only describes an element/network manager agent 148 in the health care information system that notifies a designated representative responsible for operation of the network or health care information system.

Furthermore, the combination of the Alexander reference and the Burt reference fails to teach or suggest the elements, *inter alia*, of claim 20 of, “including the processed network information into of one or more packets; and transmitting the one or more packets along the network to at least one node coupled to the network, wherein the at least one node is outside of the management system.” The combination of the Alexander reference and the Burt reference would at most teach that the QoS managers in the Alexander reference would provide notifications to representatives responsible for the domains.

Accordingly, the combined teachings of Alexander reference and the Burt reference fail to teach or suggest the requirements of claim 20.

**CONCLUSION**

For the above reasons, the foregoing amendment places the Application in condition for allowance. Therefore, it is respectfully requested that the rejection of the claims be withdrawn and full allowance granted. Should the Examiner have any further comments or suggestions, please contact Jessica Smith at (972) 240-5324.

Respectfully submitted,  
GARLICK HARRISON & MARKISON

Dated: March 3, 2008 /Jessica Smith/

Jessica W. Smith  
Reg. No. 39,884

Garlick Harrison & Markison  
P. O. Box 160727  
Austin, TX 78716-0727  
Phone: (972) 240-5324  
Fax: (469) 366-6731